



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PUBLIC UTILITIES COMMISSION
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Chairman Ella Germani
Commissioner Kate F. Racine
Commissioner Robert B. Holbrook

September 15, 2004

Jonathan S. Klavens, Esq.
Bernstein, Cushner & Kimmel, P.C.
585 Boylston Street, Suite 400
Boston, MA 02116

Re: Docket No. 3617 – People's Power & Light Expedited Motion for Extension of Time for Filing of Intervenor Statement or Testimony

Dear Mr. Klavens:

Pursuant to Commission Rule of Practice and Procedure 1.6(b), Chairman Germani, presiding officer in the above captioned proceeding, has ruled on People's Power and Light's ("PP&L") Expedited Motion for an Extension of Time for Filing Testimony or a Statement, which has been received only via electronic mail. Because it is an Expedited Motion, Chairman Germani has agreed to consider it prior to receipt of the official filing. To the extent the request is to file on September 20, 2004, the day before hearings are to commence in this matter, the Motion is Denied. However, Chairman Germani has allowed an extension to Friday, September 17, 2004 at 2:00 p.m. The time has been extended from noon after discussion during the conference call.

In the event there is no settlement between PP&L and the other parties, the Commission will need more than a few hours before a hearing to properly review the positions of the parties. Furthermore, no objection was made to the filing date at the pre-hearing conference held on August 30, 2004. In fact, PP&L requested and was provided an extra day to file its testimony or statement and the Rosh Hashanah observance was specifically discussed as falling on September 16, 2004. With regard to the due process concerns with the shortened schedule, beyond the fact that PP&L did not object to the dates set during the pre-hearing conference, it would be reasonable for the Commission to assume that PP&L would have been working on its testimony prior to September 16th if counsel was not able to be in the office on the date of filing. Therefore, PP&L should suffer no harm as a result of a short extension of time.

During the conference call, you indicated that the schedule is only fair if a settlement is reached, but this appears to be a clarified position. The pre-hearing

schedule clearly stated that Testimony or Statements were to be filed on September 16, 2004. As you also indicated that negotiations have been positive, hopefully this will not become more of an issue.

Finally, there is nothing set forth in the procedural schedule that would preclude PP&L from filing its position and then settling after that date. Therefore, the reason that PP&L needs to wait for the outcome of negotiations before filing its litigation position is unclear. As a result, PP&L has been provided and continues to be provided a reasonable opportunity to be heard on an issue affecting its rights and responsibilities as a party to this matter.

Sincerely,

/s/

Cynthia G. Wilson
Senior Legal Counsel